IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

TUESDAY, THE 26TH JUNE 2007 / 5TH ASHADHA 1929

WP(C).No. 35660 of 2004(T)

AGAINST THE ORDER IN AS 73 2003 IN
IA.1152/2003 of SUB COURT,THODUPUZHA

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PETITIONER:

SOLOMON, S/O MARUTHANAYAKAM,
AGED ABOUT 72, EX-WORKER, NETTIMEDU DIVISION,
MATTUPETTY ESTATE, MATTUPETTY P.O., K.D.H. VILLAGE
DEVIKULAM TALUK, IDUKKI.

BY ADV. SRI.P.CHANDY JOSEPH

RESPONDENT:

TATA TEA LTD.A COMPANY WITH LTD.LIBILITY
INCORPORATED IN INDIA HAVING ITS REGD.OFFICE AT I.
BISHOP LEFROY ROAD,CALCUTTA 700211,IN THE STATE OF
WEST BENGAL,HAVING ITS REGIONAL OFFICE AT MUNNAR,
KANNAN DEVAN HILLS VILLAGE,DEVIKULAM (T),IDUKKI DT
REP.BY P.A.HOLDER,& SR.MANAGER A.P.GOEL, AGED 46.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 26/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

W.P.(C) No. 35660 OF 2004

Dated this the 26th day of June, 2007

JUDGMENT

In this Writ Petition, the petitioner challenges the orders of the Subordinate Judge, Thodupuzha, dismissing an application seeking condonation of delay of 1,564 days in the matter of filing an appeal. This Writ Petition came up for admission on 09.12.04 and on that day as requested by the petitioner the case was adjourned after Christmas Holidays. Thereafter on three occasions, i.e. on 04.01.05, 18.10.06 and on 26.10.06 the case was again posted and each of these occasions the submission was that the Writ Petition be posted as and when moved again. I have reason to assume that the petitioner is not interested.

I have gone through Ext.P3. I find that Ext.P3 is a reasoned order and that the learned Sub Judge has given cogent reasons as to why the discretion in the matter of condonation of delay has not been exercised in favour of the petitioner. I do not find any warrant for interfering with Ext.P3 under the visitorial jurisdiction of this Court under Article 227. The Writ Petition will stand dismissed.

PIUS C. KURIAKOSE, JUDGE

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